

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:22-cv-00449

Jay Williams,
Plaintiff,

v.

State of Texas,
Defendant.

ORDER


Plaintiff Jay Williams, proceeding pro se, sued the State of Texas on November 28, 2022. Doc. 1. This action was referred to Magistrate Judge John D. Love, who issued a report recommending that plaintiff's claims be dismissed without prejudice for failure to comply with a court order and failure to prosecute. Doc. 5. Plaintiff filed objections to the report and recommendation on January 23, 2023. Doc. 6.

The court reviews the objected-to portions of a report and recommendation de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996). The court reviews all unobjected-to portions of the report and recommendation only for clear error or abuse of discretion. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Plaintiff's objections merely restate allegations made earlier in this case. And plaintiff was repeatedly warned that he must pay the filing fee or receive permission to proceed *in forma pauperis*. But plaintiff has not paid the filing fee or applied to proceed *in forma pauperis*.

For these reasons, the court accepts the report and recommendation. Plaintiff's claims are dismissed for failure to prosecute and failure to comply with a court order.

So ordered by the court on February 2, 2023.



J. CAMPBELL BARKER
United States District Judge